

Lewis County Planning Commission *Workshop*

Lewis County Courthouse
Commissioners' Hearing Room - 2nd Floor
351 NW North St - Chehalis, WA

February 9, 2016 - Meeting Notes

Planning Commissioners Present: Russ Prior, District 3; Jeff Millman, District 2; Sue Rosbach, District 2; Mike Mahoney, District 1; Bob Whannell, District 3; Stephen Hueffed, District 2

Planning Commissioners Excused: Leslie Myers, District 1

Staff Present: Glenn Carter, Civil Prosecuting Attorney; Fred Evander, Senior Long Range Planner; Brianna Teitzel, Pat Anderson

Others Present: Please see sign in sheet

Handouts/Materials Used:

- Agenda
- Meeting Notes
- Memo from Dianne Dorey, Lewis County Assessor
- Memo from Brianna Teitzel
- Open Space Application: Wibbelman
- Open Space Application: Garrison
- Open Space Application: Zimmerman
- Draft LCC 17.05
- Draft Revisions Titles 16 And 17

1. Call to Order – Introductions of Planning Commissioners

Chair Mahoney called the meeting to order at 6:04 p.m. The Commissioners introduced themselves. Newly-appointed Commissioner Hueffed stated he and his family have a small farm in the Doty area. His interest in the Planning Commission came through a pre-submission conference with Lewis County; he applied and was appointed. He is looking forward to being involved with the community.

2. Approval of Agenda

The agenda was approved as provided.

3. Approval of Meeting Notes – January 26, 2016

Commissioner Prior stated the word “license” was left out on page 2, paragraph 5. The notes were approved with that correction.

4. New Business

A. Workshop on Open Space Applications

Diane Dorey, Lewis County Assessor, briefed the Commissioners on the process for the Open Space applications. The Public Benefit Rating System has a committee that goes through the applications using

a scoring tool that gives each applicant points. The number of points allows 10% per point off of the assessed value of the property. There are two categories of Open Space. One is land that is left in its natural state and the other is Open Space Farm and Ag Conservation. The latter allows a property owner to go into the program for up to ten years with the caveat that the land is kept farmable.

The Committee, which includes a Planning Commissioner, scored five parcels. Two of them are owned by the Garrisons; two by the Wibblemans, and one by the Zimmermans. Based on the scoring tool, Garrison's property got three points; Wibblemans got four points and the Zimmermans got eight points. Garrison and Wibbleman are in open space farm and ag conservation which is harder to get percentage off, because even though they are farm ready there are fewer points. The maximum points is eight, which is in Open Space Open Space. This land has some type of attraction: wetlands, view, etc. and it must be left in its natural state. Trails are allowed, but nothing else.

Commissioner Prior asked if a portion of a parcel can be put into Open Space. Ms. Dorey stated a portion can be put into the program. If a parcel has 10 acres of timber, 5 acres of farmland and 5 acres of wetland, each one of those areas can be put into the program but each must qualify. If someone no longer continues in the program there are compensating or additional taxes added back on, which is the difference between what he did pay and should have paid with interest and penalties as if the taxes were delinquent. That is called the recapture tax and it is to pay back all the other tax payers in the taxing district for the time that the tax break was received. This is all done legislatively through Washington State laws.

Ms. Dorey stated zoning has nothing to do with the program; it is based on current use.

Commissioner Millman stated that some of the land is being hayed. He asked if the owners are not selling the hay. Ms. Dorey stated they might not be meeting the income requirements but that keeps it actively being farmed; they may be using it for their own consumption.

B. Set a public hearing for Open Space Applications

Chair Mahoney entertained a motion to set a public hearing for the Open Space applications for March 8, 2016. Commissioner Rosbach made the motion; Commissioner Whannell seconded. The motion carried.

5. Old Business

A. Review Shoreline Master Program

Mr. Evander stated comments have been received from Ecology on the Shoreline Master Program. One comment was that the Accumulative Impact Assessment must be finished before the hearing process. This was a recommendation by the Department of Ecology. The Accumulative Impact Assessment is a technical document which states the type of development that is anticipated along the shorelines, the potential number of housing units to be expecting, and the likely impacts. The Assessment is hoped to state that there are no impacts associated with the units. The consultant, AHBL, is working on this, and the second draft has been received by the County and it still needs some work. Because it needs work, Mr. Evander would like to hold out bringing the entire Shoreline Master Program (SMP) to the Planning Commission. He expects to bring the draft SMP with potential changes first; the Accumulative Impact Assessment will not necessarily come before the Planning Commission.

DOE recommended having the Accumulative Impact Assessment done before the Planning Commission goes through the adoption process.

Chair Mahoney asked if there was something the Planning Commission needed to work on before the public hearing. Mr. Evander stated he would like to bring the draft back so it can be reviewed before the public hearing. He would recommend holding off on the March 8 public hearing, pushing it back at least a month. If the Accumulative Impact Analysis states that there will be an impact then the regulations will need to be tweaked. If there has been a public hearing on the regulations then we will need to go back and make changes.

B. Review Administrative Code to Streamline Permit Process

Mr. Evander stated that since there are two very new Commissioners and a question was brought up before the meeting, he would like to lead a quick Planning 101. He stated that for most planning in Lewis County there are three major documents. The first one is the Comprehensive Plan which is the policy document which is required under the Growth Management Act (GMA). It includes Land Use, Housing, Capital Facilities, Utilities and Transportation. It can also include Parks and Open Space and Economic Development, but the County is not required to do those two.

Based on that, we craft zoning designations in the County code. The Lewis County code starts applying certain things to specific properties through zoning designations. There is a future land use map that is not as specific as the zoning map. The zoning map was on the screen and Mr. Evander pointed out the cities, Urban Growth Areas (UGA), and all of the zones. All of these zones are outlined in the GMA and have been crafted on the underlying development characteristics.

Each zone has code written about it. There is a subdivision section in code (how property is divided), a zoning section (what can be done on the property), and the Critical Areas Ordinance, which includes steep slopes, wetlands, critical aquifer recharge areas, fish and wildlife habitat, etc.

Mr. Evander stated the Lewis County Code is on line if the Commissioners want to peruse it. He looked specifically at Title 17 which includes Urban Zones, Resource Lands and Critical Areas. The rural zones relate to the LAMIRDS (Large Areas of more Intense Rural Development), plus many others.

Commissioner Prior stated there had been a discussion in the past about creating a UGA in Packwood. He asked if the County can create a UGA without state over site. Mr. Evander stated the County can do it and the state over site is ensuring that the County is doing the research and the work. The Department of Commerce is not going to be the one that appeals it. Chair Mahoney stated he would like to see a Packwood UGA and if it happens, then it must be anticipated that it will be appealed before the Growth Management Hearings Board.

Commissioner Prior asked where the process starts. Mr. Evander stated it starts right here and staff has submitted a letter to the Planned Growth Committee stating that the County would like a population allocation and an Urban Growth boundary around Packwood. Staff is moving forward on it.

Mr. Evander referred to LCC 17.05 and streamlining the administrative provisions of that code. If the changes are made it will have implications throughout the code because many provisions are repeated. It makes sense to create a process chapter and then remove the [redundant section]. That will add

clarity to the code and it will make it simpler for staff to administer and for applicants to get through the process. Mr. Evander stated that relevant permit processes have been grouped and numbered I through IV.

Commissioner Prior referred to 17.05.040 (5) and thought the word "legislative" should be removed since paragraph (a) talks about quasi-judicial actions and paragraph (b) talks about legislative actions. Mr. Evander agreed. Commissioner Prior thought 17.12 was being eliminated. Mr. Evander stated 17.12 is not proposed to be changed. Only proposed changes are being shown. He stated 17.12 and 17.165 are two different ways to handle Comprehensive Plan or zoning code amendments and he did not think there should be two separate processes. The original proposal was to remove this and shift it to 17.165 so everything is in the same place. This will keep 17.12.

Mr. Evander continued with discussion on the draft revision to Titles 16 and 17. He stated any time there is mention of an application and the requirements for that application, it has been removed. 17.05 states that each application that is submitted has to be submitted on forms that are used by the department. It is assumed that those forms will contain the relevant information that is necessary for that application.

Mr. Evander stated any place that has a notice of public hearing requirement has been crossed out since they are all in 17.05.

Mr. Evander stated that the Commissioners should review the rest of the sub-division code, which is similar format to what was just discussed. He skipped to 17.20A, page 92 of the handout. Many of these changes are to clarify and streamline the code. He stated 17.20A, B, C, D and E all deal with Master Plans or similar plans that are allowed by GMA. The County does not have any of the master plans but they are in the code because they allow intense development in a rural area.

Staff is proposing that the designation of an Industrial Land Bank would be a Type V designation which would be a legislative amendment to the Comprehensive Plan. The Planning Commission would consider it and provide a recommendation to the BOCC and it would then become part of the Comp Plan. If someone submitted an application it would be a Type III application which would go to a Hearing Examiner who would hold a public hearing and approve or deny the application.

Commissioner Rosbach asked for the definition of an Industrial Land Bank. Mr. Evander stated the County can only have two Industrial Land Banks in the County per GMA. Currently there is one, which is Trans Alta. The Industrial Land Bank does not have to be mapped in the Comp Plan; it does not need to have anything in the Comp Plan except the market justification for why the County needs extra land in a rural area.

Chair Mahoney stated the Industrial Land Bank is for future long term planning. If some areas are not set aside for a large employment center, those areas will become small parcels with homes on them and then it will not be possible to have a major project. It has been discussed to locate large parcels of land with minimum parcelization that could be protected against residential development, and save it for a future employment center, whether it is a professional park, manufacturing site, etc.

Mr. Evander stated his goal is to have all of the master plans in 17.20A, B and E go to the 2-stage processing and stay away from the joint public hearing concept. Each of those sections will look similar. Staff has defined the comprehensive plan approval process and what is expected at that process, and then defined the actual application process and what staff is looking for.

Mr. Evander stated he went through the code very quickly and asked the Planning Commissioners to do their due diligence in reviewing it. There will be another large section to go through at the next meeting.

6. Calendar

The next meeting will be on February 23, a public hearing on LCC 17.42.030 related to Animal Kennels, Shelters, Boarding Facilities and Animal Hospitals.

7. Good of the Order

There were no comments.

8. Adjourn

There was no further business and the meeting adjourned at 7:33 p.m.